

greatest sympathy and prayers for God to help in every way he can from this point forward. The gentleman from Arkansas knows that he has our support in that endeavor.

Mr. Speaker, in other action in the House this week, I wanted to make special mention of the cooperation and the assistance in working together on an outstanding new transportation bill that would not have come without the outstanding leadership of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, in crafting a piece of legislation which is historic in providing the road improvements, the mass transit assistance that is so important to all of our municipalities, cities, and towns all across the United States.

I know from my district that roads need to be improved and mass transit systems can be made to be better in many ways. I am especially grateful for the approval by the committee of a new system which would be the Schuylkill Valley Metro, the first new transit system in many years in our State, and one of the first new ones in our region of the United States. This Schuylkill Valley Metro will go from Philadelphia to Reading, and help people who now find themselves in gridlock on a major highway to now have safe, convenient transit once we have finished the appropriations process.

I also wanted to bring to the attention of my colleagues tonight another related transportation matter. As the lead person in the House on the Results Caucus with regard to the Federal Aviation Administration, I am working with my colleagues on both sides of the aisle to adopt legislation which will improve their safety, not the least of which would be to require the child safety seats on airplanes, which will make sure that we keep our children as safe in an airplane as we do in our vehicles. Most of all, protection for airplane employees, to make sure that the defects that are present can be reported more easily so that the changes can be forthcoming, and to allow our airline staff on the planes to have defibrillators so that those who are on long trips can get all the medical attention they need prior to going to a hospital for further care.

These are three important bills moving through the House, hopefully with as much speed as possible. I will continue my efforts, working with like-minded colleagues on collision avoidance systems, improved air traffic control, and increased use of the Doppler radar to make sure that those who fly the planes can avoid wind shear and to make sure our skies are as safe as possible so that the transit of our constituents can be that which we want it to be, the safest in the world.

Mr. Speaker, I look forward to working with the gentleman from Pennsylvania (Mr. SHUSTER), our chairman, the gentleman from Tennessee (Mr. DUNCAN), our subcommittee chairman, and

the gentlewoman from Missouri (Ms. DANNER) because she will be working with us in a bipartisan fashion, to do what we can, working with the airlines, military, and commercial aircraft and their experts so that we can make sure that airplane safety will be as safe as it can be, and to make sure that the flying public have the confidence always, as they already have, that they will get the best.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3310, SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-466) on the resolution (H. Res. 396) providing for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, which was referred to the House Calendar and ordered to be printed.

REMEMBERING CONGRESSMAN STEVE SCHIFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, it is with great sadness that I learned this evening of the death of my friend, my congressional classmate, and my colleague, STEVE SCHIFF. His family and close friends in New Mexico and across the country are certainly all in our prayers.

Mr. Speaker, I wanted to speak briefly about this. I was not able to be here during the memorial resolution because of the duties of the Committee on Rules. I think it is important that those of us who knew STEVE well have an opportunity to reflect, even briefly.

STEVE possessed a trait in Washington that is all too rare. His word was simply as good as gold. He was certainly one of the most conscientious Members I have ever worked with. He was responsible, hardworking, and I think he made an extraordinary contribution to every project that he participated in.

I know he was very well regarded by his colleagues. That was certainly one of the reasons why he was asked to take on the difficult services of a job in the Committee on Standards of Official Conduct, a responsibility that I shared with him during one of perhaps the most tumultuous episodes in this House's recent history.

In his work of the House to resolve what I would call difficult and sensitive matters, STEVE proved to have necessary skills: experience, judgment, guidance, a good shoulder to lean on, a

lot of rational demeanor, and above all, principles, very solid principles that never moved, the principles that got the job done.

□ 1900

He was the right person in the right place at the right time for this House, and we all owe him a debt of gratitude and thanks for that very difficult assignment.

It turned out that STEVE's work on the Ethics Committee, ironically was one of his last high-profile accomplishments in Washington. And it was not something that he or any of us particularly enjoyed. It was a duty, as with all his duties, that he discharged with integrity and accountability. I will say that he was an inspiration for all of us during those long and frustrating hours and days and weeks. And it was a time, incidentally, when he was sick and we did not know it.

And all through that period this was true. For his entire public service career, STEVE ably and thoughtfully represented the people of New Mexico's First Congressional District. It is quite a record and a great legacy.

I am honored to have served with STEVE. I will miss him. I extend my deepest sympathy to his family.

TREATY OF GUADALUPE HIDALGO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this evening the freshmen Republican class takes to the floor to spend a little time during this special order to discuss various issues that we have been focusing on as individual Members and as a group, 34 Members strong.

We spent a lot of time in our home districts holding town meetings, surveying our constituents and focusing on the topics that we believe our constituents have sent us here to represent. Joining me this evening is the gentleman from New Mexico (Mr. REDMOND), who has been fighting very vigorously for some property rights issues in his district.

At this point, Mr. Speaker, I would like to recognize and turn some of our time over to the gentleman from the State of New Mexico to talk about his legislation, House Resolution 2538, which would establish a presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe Hidalgo from 1848.

Mr. REDMOND. Mr. Speaker, I appreciate the time to share with the House of Representatives today a portion of history that many people have forgotten. This is a story, a story of a people who settled in the American Southwest many years before the pilgrims landed at Plymouth Rock.

The story has been forgotten by most Americans, but it lives on. It is a story

that lives on in the daily lives of many hard-working people in New Mexico in my congressional district. It lives on in the daily traditions and the way of life. And it is a life-style that we are seeking to enhance and to preserve.

And so tonight, Mr. Speaker, I stand here for my constituents to tell the story of the Treaty of Guadalupe Hidalgo, a story, as I stated earlier, Mr. Speaker, that most Americans are not aware of.

In 1846 there was a war between the United States and Mexico. The United States won that war, the Mexican-American War, and at the end of the war, there was a treaty that was signed. The title of the treaty has a beautiful name to it. The name of the treaty is the Treaty of Peace, Friendship, Limits, and Settlement. It is called the Treaty of Guadalupe Hidalgo.

It was signed on February 2, 1848. And in that treaty, the residents of the territory that became New Mexico and became the State of New Mexico in that treaty, the people that lived in that area, they had a choice, as in America we allow individuals a choice; and the choice that the residents had was the choice to move south of the border to old Mexico and to retain their citizenship as Mexican citizens or to remain north of the border and to embrace an American way of life of freedom and a Constitution that guaranteed those rights.

So, with high hopes, the residents of New Mexico, many of them chose to stay behind to become citizens of the United States of America; and in the treaty, it stated very specifically certain rights that would be guaranteed to those who stayed behind. And so the hope of greater freedom, an opportunity, was embraced by those residents. And the treaty begins like this:

In the name of Almighty God:

The United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of war which unhappily exist between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both and assure the concord, harmony, and mutual confidence wherein the two peoples should live as good neighbors, have for that purpose appointed

representatives and those representatives mutually came together with the stipulations of the treaty.

This evening, Mr. Speaker, I am going to read two small articles that are very important for the legislation that will be considered in a short time here in the House of Representatives. But these two articles are very, very important because these were the polar stars on which the Hispanics in New Mexico stayed behind and they chose to become citizens of the United States.

This is Article VIII I will begin with. Article VIII says,

Mexicans now established in territories previously belonging to Mexico, and which remain for future within the limits of the

United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please; without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the rights of the United States, but they shall be under the obligation to make their election within one year from the time of the dates of exchange of ratification of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States. In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and the Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guaranties equally ample as if the same belonged to the citizens of the United States.

Article IX:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding Article, shall be incorporated into the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all rights of citizens of the United States. In the meantime, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights their condition shall be on an equality with that of the inhabitants of the other territories of the United States and at least as good as the inhabitants of Louisiana, the Floridas, when these provinces, by transfer from the French Republic and the Crown of Spain, became territories of the United States.

The same most ample guaranty shall be enjoyed by all ecclesiastic and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individuals or corporate. This guaranty shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to its support or to that of schools, hospitals, and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American Government, or as subject to be, by it, disposed of or diverted to other uses.

Finally, the relations and communication between the Catholics living in the territories aforesaid and their respective ecclesiastical authorities, shall be open, free, and exempt from all hindrance whatever, even although such authorities shall reside within the limits of the Mexican Republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church.

I ask, Mr. Speaker, all Americans to remember and to learn on this, the Quatrocentenario; and also the 150th anniversary of the signing of the Treaty of Guadalupe Hidalgo, I ask for all

Americans to remember the solemnness of this treaty which we entered into with those who had hope of becoming American citizens and promised that they would maintain all of the rights of American citizens.

So I encourage all Americans to learn and to remember the Treaty of Guadalupe Hidalgo and to do justice in accordance with the Treaty.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, reclaiming my time, I am curious just in terms of a 150-year-old treaty that has come up now, what happened to it in those 150 years? Why were we not talking about the treaty 10 years, 20 years, 30 years ago? Why has it now become an issue that has come to the floor and we are considering legislation which is supported by a great many members of the freshman class and other Members of the Congress, as well?

Mr. REDMOND. If the gentleman would continue to yield, basically the treaty was put on the shelf. It collected a lot of dust. But, as I said, here in this city this treaty was forgotten, but it was never forgotten in the minds and hearts and in the daily lives of the citizens of the State of New Mexico.

The treaty is very much alive. This treaty was the basis for the Native American Land Claims Commission during the 1940s and the 1950s and 1960s. There are times it has been pulled off the shelf and utilized. But at this particular time, what we are focusing on in this new piece of legislation are those pieces of lands that are known as land grants.

Many people in the Midwest would have known them as homesteads. We have friends that live in the Midwest that are corn farmers and bean farmers and wheat farmers, and they came by their land through a document. Some documents were signed by President Martin Van Buren and other Presidents of the United States, and they received guaranties from the government that if they were to move into a particular area of land and build a house, build a barn, settling that area, that they could stake a claim and that land became their private land.

Nobody would ever think of going into Iowa or Illinois or Indiana and telling farmers that they could keep their barns, that they could keep their house, their corral, their feedlots, but that their fields now become Federal property. But this is what happened in New Mexico.

The law was just slightly different, because under Hispanic law, they recognized not only individual homesteads, or land grants, as they were called, but it also recognized the establishment of communities and municipalities. So, according to law under the Spanish Crown, it was required that 10 families move together to an area to create a village, to create a community on the frontier of the Hispanic Empire, and it was necessary to have 10 families to have what was called a community land grant.

It was communal in the sense that they shared a common land, but it was private in the sense that only those 10 families and their heirs had title to that land. They were public lands, but they were public only for those immediate families. They were not public for people in the land grant next to them or further down the road or someplace else in the State of New Mexico. They were not public to other States. They were public and common only to the original families.

Mr. BOB SCHAFFER of Colorado. And what happened over that period of time, the Federal Government, as I understand, has come to lay claim to most of that land and manages much of the land today either under the Bureau of Land Management or through the Forest Service or other various Federal, and sometimes, I suppose, State and local entities, as well, are in possession of those lands today.

How was it that the Federal Government became the primary manager of those lands today?

Mr. REDMOND. Well, the land grants that were lost to the Federal Government, to the inventory of government land, were lost in various ways. There is not a single way in which the land was lost. But let me give my colleague an example.

When New Mexico became a territory, the economy of New Mexico was basically a barter economy. It did not operate on a cash basis like the States in the East. And so what happened was, when taxes were levied, quite often against the Hispanics, which, by the way, at the time that the Treaty of Guadalupe Hidalgo was signed, many of the families had occupied the land almost 300 years. So if we can imagine a farmer in the Midwest owning a farm for 300 years and then all of a sudden the government coming and saying, "You can no longer own this" after you have many generations that have invested in that piece of real estate.

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Basically what happened in many cases is that because they did not understand the English language at the time, because they did not understand the English law because American law is based on British common law, which was different from Spanish common law, that many of the folks just did not understand what their obligations were to their new government and so taxes were levied and many times the notice of taxation was never sent or sent in a very incomplete way, or sent in English and they could not read it. You have to remember that this area was a conquered area. We gained this territory as a result of the Mexican-American War, so it was a conquered area, so there was no preparation in terms of engagement with Washington and the East Coast culturally, monetarily, economically, and so often people lost their land because they did not know that tax was due to the government. Often they lost their land because they

did not adequately file claims and patents according to the American law because they were just unaware of it.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like the gentleman to talk if he would, if he would not mind answering more questions about the bill, because these are questions that I think occur to most folks who take a general look at the bill. Before I ask a couple of more, I would point out in my district in Colorado, Colorado State University is the largest higher ed institution in my congressional district. There is a professor there who has been holding seminars recently and giving public discussions about the Treaty of Guadalupe Hidalgo. We had contacted him recently and asked him just about your bill and about some of the events that are occurring, the Speaker of the House, for example, coming to the gentleman's district to talk with many of his constituents about this issue. The Speaker termed these events that the gentleman has initiated here in Congress as revolutionary, that was the word he had used, and spoke very clearly about the absolute validity of the treaty.

Most of these lands are today managed by various public entities, primarily the Federal Government, sometimes other public entities. In some cases these lands are now owned by private landowners. That is the minority of cases, but that does exist on some of these lands. How might the treaty affect those who are private landowners today and maybe purchased the land or obtained it legally in some way? How are they going to be treated as this bill moves forward?

Mr. REDMOND. It is important that we do not create two wrongs and believe that we are going to make a right out of this. It is very important that we honor the treaty and we also go beyond just honoring those passages that talk about the right to private property. But in the treaty it is very specific that those Hispanics that stayed behind to become American citizens, that they had full rights as American citizens, which includes the Fifth Amendment, the right to private property, and since it is the Federal Government that did not honor and protect that right, it is imperative that the Federal Government come in and restore that right to the fullest sense possible.

I parallel this to, for instance, slavery. Some people are saying, why are you dealing with an issue that is 150 years old? If we still had slavery today, if the Civil War was not successful in eradicating slavery in America, I doubt there would be a single Member in this Chamber that would vote for the institution of slavery. Just because something has been on the table for a long time, you do not use the calendar and the clock to determine what is right and what is wrong. In this particular case, I believe that the Federal Government should step up to the plate, secure the justice for these individuals,

and in the case for those lands that are now occupied by other individuals who have purchased those lands, what we believe should be done is that the Federal Government should identify some other land in the government inventory, because the government did not protect these rights and that that land be swapped out for equal value, not equal acreage, because many of the acres that were taken from the Hispanic families was very beautiful, mineral rich, timber rich, wildlife rich, and to trade off for an area that they could not graze their cattle would not be justice. That would be adding insult to injury. So if it is impossible, for instance, there are some cases where there are whole towns and communities that have grown up in the middle of these land rights, where we cannot just give a whole town and a city and community away.

Mr. BOB SCHAFFER of Colorado. For the gentleman and I who reside out in the West, these issues of property rights and public lands, lands management in general, public or private, are routine discussions. For those who are not familiar with the claims made under the Treaty of Guadalupe Hidalgo and other debates and discussions that have ensued over the years, this may seem a new issue. It really is not as the gentleman has expressed. But it is a relatively new issue in recent years for this Congress. In fact, the people of his constituency have been discussing the issues, a terribly important one politically, culturally and so on in New Mexico and throughout the West, not just New Mexico. It really was the gentleman from New Mexico who brought this issue to the attention of the full Congress and really revived this topic here in Washington.

Mr. Speaker, I just want to take a second or two here and commend the gentleman for having the courage to stand forward and bring an issue to Congress that his constituents have been talking about and been concerned about for many, many years and for the right and obvious reasons, his constituents decided to send him here to Congress. I commend them for that as well, and have really empowered him to raise their voice here on the House floor. It is an issue that has not been raised for quite a long time, he has done it, I think it is a wonderful statement on behalf of the people in New Mexico and those in his constituency.

Mr. REDMOND. I appreciate that. But I think the bottom line, we need to recognize that this is not about land. This is about the integrity of the institution of the government of the United States that stands forward and very boldly says that we hold these truths to be self-evident, that all men are created equal and they are endowed by their Creator with certain unalienable rights. In this case, the Federal Government did not stand up to the plate and bat on behalf of the citizens of the Territory of New Mexico and the citizens of the State of New Mexico. And

so this is not about land, this is about the integrity of our institution, of a free, democratic-republican form of government, a representative form of government where people have their voice heard. The voices of these people have been silenced for almost 150 years. I am determined to in this institution let their voices ring all the way from New Mexico to this institution. We will not rest until justice is done.

This issue is about who we are as an American people, because many people sitting across the Nation, say from Washington State down to Florida and New York, Chicago, they might say that this does not deal with me. I am here to tell you that it does deal with you, because if the Federal Government at one point in the history of our great Nation can violate the right of private property for a minority of people, if it has been done once, that sets the precedent for this government to do it again. That is in direct violation of the Fifth Amendment.

Mr. BOB SCHAFFER of Colorado. The gentleman has spoken in a very general and broad way about the whole issue, the history of the treaty and what has occurred since then. Let me go specifically to his bill, H.R. 2538. First, let me say the gentleman has worked tirelessly to describe the bill to Members of Congress, to make them familiar with it, make every Member of Congress familiar with the concerns of his constituents and the issue. This bill calls for more study. It does not answer the question on how to deal with the treaty just yet. It is obvious that it proposes some very perplexing problems in resolving many of these ownership and management issues, but his bill establishes a presidential commission to study the issue and make recommendations back to Congress on what to do next. Tell us a little bit more about just the process of what happens after your bill passes.

Mr. REDMOND. Basically we are looking for a 5-year commission. We want to establish a research center north of the City of Espanola in Rio Arriba County in my congressional district at the de Onate Center, Don Juan de Onate. Basically what we will do is that individuals who believe that they have a valid claim can step forward with other individuals from their same land grant. They would present the documentation and we would work with them on the reconstruction of the documentation. Some of the documentation exists in the State of New Mexico. Some of the documentation exists in Mexico City. Some of the documentation exists in Spain. There is quite a bit of research that is going to have to go into this project. We want the heirs, according to the treaty, to receive their land, but we also do not want individuals filing fraudulent claims and acquiring land that does not rightly belong to them.

The commission is a 5-year commission, it is going to take minimally 5 years to do the research that is nec-

essary to establish the documentation, and at that particular point we will be making a recommendation, the commission will be making a recommendation to the President of the United States and to this body, the House and the Senate, for a final solution for this particular situation.

Mr. BOB SCHAFFER of Colorado. The Speaker was recently in your district talking about a number of issues and visiting town meetings and so on, but this issue came up quite a lot. What was the Speaker's visit like?

Mr. REDMOND. Basically the Speaker met with maybe 100 to 200 of the heirs of the land grant, the original land grant. They presented to him approximately 3,000 signatures from the heirs of the land grants. The Speaker was very clear. Of course he is a historian, doctorate in history, so being a history buff, he was very intrigued with the injustice that was done and he mentioned it as such, he mentioned it was injustice. We have the full support of the leadership of the House of Representatives. He received the petitions, he has those petitions. Our office has a copy of those petitions. He is committed to working with myself, the rest of the New Mexico delegation and the cosponsors of this bill to see it passes as soon as possible.

Mr. BOB SCHAFFER of Colorado. Earlier today at one of the freshman Republican meetings, you brought the issue up again and addressed the class on the topic and also brought some of your constituents with you as well who are here from your home State working on the legislation. I want you to remind me who they were and tell our colleagues about those individuals and their work here in Washington and what they are trying to accomplish.

Mr. REDMOND. We have two distinguished guests with us here in Washington that will testify tomorrow before the subcommittee. The first is kind of the leader of the people of the land grants. He is a leader of the land grant farmers. He has put many, many years into the program, bringing the people and the land grants together. His name is Roberto Mondragon, former lieutenant governor of the State of New Mexico. He is here to testify on behalf of la gente, the people, de norte, the people of the north, which is our congressional district. He has brought with him Robert Torres, who is the State historian. We will be receiving testimony tomorrow not only from myself as their representative but also testimony from the people of New Mexico that deal directly with this issue and the State historian.

Mr. BOB SCHAFFER of Colorado. They are going to testify tomorrow, as I understand?

Mr. REDMOND. They will be testifying tomorrow. This bill is truly a people bill. We had a rough draft of the bill, we took it to the community. There were about 100, 150 land grant heirs that met at the de Onate Center north of Espanola. They looked at the

bill, I asked them is this what you want, and there were some changes. They made the changes. We have a couple of changes we would still like to make and mark up, but this is truly a bill of the people, for the people, by the people. It is remarkable to see firsthand how our form of government works. I believe that it is very important that this needs to be grassroots, from the bottom up and not from the top down.

Mr. BOB SCHAFFER of Colorado. That is a theme, if I can kind of move to a broader set of philosophical differences that separate you and I as Republicans from the other side as Democrats typically. What we see here in Washington as a Republican freshman class, we reflect often about the kinds of things we are hearing back home in our town meetings, we share information about the surveys that we send out to our constituents to get their opinions about issues, and share ideas on how we can be effective as Members of Congress by involving our constituencies in the law making process, in establishing an agenda for our districts and ultimately for the country.

This is kind of a typical thing for us as a small group. It is not that typical in Washington in general. I think it really captures what he has done in bringing this bill to us, and the manner in which you have galvanized support for it back home really is remarkable. At least for me, you and our group inspire real confidence in this process and how well it can work if the right people are in charge and empowered to come back here and take the real role of representative democracy in a republican form of government to Washington. Because you are right. Seeing citizens, taxpayers, local leaders coming here to Congress, drafting their own bill, presenting their arguments, and empowering their Congressmen to introduce it and come to the floor here tonight and other days, as you have, to speak about it is an inspiring occasion. And I just want you to know I have been struck that way personally, and wish you very well on moving that legislation forward.

Any final thoughts or comments on the bill?

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Mr. REDMOND. Well I would just say, I would just encourage as many Members as possible to cosign on to the bill. It is a bill 2538; it is called the Treaty of Guadalupe Hidalgo Land Grant Claims Commission, and it indeed is a bill written by the people, for the people. And we are looking forward to having that come before this body, hopefully within the next 30 to 60 days, for final passage, and then we can send it to the other body and they can consider it and hopefully get it on the President's desk as soon as possible. I would like to see this become a reality for the people of New Mexico.

One hundred fifty years is a long time to wait for justice to be done, and

I believe that the Members of this body are committed to seeing that justice is done. And so I call upon all my colleagues to not only vote for the bill, but to be proactive and to sign on to the bill, and as we say in New Mexico, taking off of the first line of the Treaty of Guadalupe Hidalgo again, for those that might be joining us, the Treaty of Peace, Friendship, Limits and Settlement, signed between the Government of the United States of America and the United Mexican States on February 2, 1848.

The treaty begins, "In the name of Almighty God:" And I would just like to end my portion today, as we would in New Mexico, saying thanks to God: Gracias a Dios.

Mr. BOB SCHAFFER of Colorado. Also joining us tonight is the Congressman from the State of Florida (Mr. WELDON), and Mr. WELDON is not a member of the freshman class, but we will make him an honorary one tonight. He has 2 years' advantage on the rest of us in terms of seniority.

But you know, Mr. WELDON, before I yield time to you, I just want to say that we view our role as a freshman class as one of raising a number of issues and providing a number of opportunities and actually exercising a certain amount of leadership in the Congress as a whole. And when we see people who have come here at different times than we have, that are doing great things and moving forward on issues that are important to the whole country, our goal is not to reinvent the wheel; we want to help where we can help and place the greatest amount of effort to move our great country forward and exert the kind of leadership that I think the American people expect of us.

And with that, let me turn some time over to you to explain the legislation which you have just introduced today, as I understand it.

Mr. WELDON of Florida. Yes, that is right, and I want to thank you for yielding to me, and I certainly want to commend you and the other Members of the freshman class of the 105th Congress for the leadership roles you have been taking. And in listening to the discussion tonight, the gentleman from New Mexico, I think, is representing his district very well, and likewise I think the people of Colorado have been well served by many of the initiatives that you have been putting forward. And I think freshmen, they are fresh, and we always need a fresh look around here. This place can get pretty stale at times, and getting people coming in from the marketplace, from the outside world coming in, I think is a very good thing.

I thank you for yielding. I wanted to talk a little bit about a piece of legislation that I introduced today, along with my good friend and colleague, the gentleman from Ohio (SHERROD BROWN), the Patient Choice and Access to Quality Health Care Act of 1998, H.R. 3547. As most of my colleagues know,

prior to coming to the United States Congress, I was a practicing physician. I practiced internal medicine, specifically general internal medicine. I took care of a lot of senior citizens, people on Medicare. I took care of a lot of people with chronic illnesses, diabetes, arthritis. I practiced for 8 years in private practice. Prior to that, I had practiced in the army. And in private practice, I had the opportunity to do some managed care, and I have to say that I have seen the good side and the bad side of managed care. I have seen the good side and the bad side of standard fee-for-service medical care, and there really is no perfect system. Any system has its good points and its bad points, but clearly today in America we are seeing a trend that I think is very dangerous. It is a trend within the managed care industry to compromise quality for the sake of saving the bottom line; in other words, putting dollars ahead of patients, and I think that is wrong.

In particular, there are some managed care entities that are compromising quality so much for the sake of profits that it is putting pressure on some of the honest and well-run managed care entities. And this country has many things about it that makes it great, and I cannot within the confines of the time yielded, describe all of those things. But one of those things, as we all know, is that we have the best health care system in the world, the best quality health care, the most innovative care. So this piece of legislation, the Patient Choice and Access to Quality Health Care Act, is a reasonable proposal, I think, to rein in some of the excesses of the managed care industry.

Specifically, the bill has provisions that assures adequate access to specialty care for in-network care; also some provisions for grievance for enrollees. Also, there are provisions required of the plan to notify the enrollees when they are enrolling of what restrictions they may have on access to various types of specialists. Importantly, there is a provision that places restrictions on health care providers being provided financial incentives not to refer patients. We have provisions in existing Medicare law prohibiting plans from allowing doctors to get extra money for referring patients, but we do not have any provisions that prevent plans from giving doctors money for not referring patients, and in this legislation we limit that or we prohibit that specifically.

We also have a provision in here, a so-called gag prohibition against gag clauses that would allow doctors to freely communicate with their patients. There is also an out-of-network provision, where if patients choose to, they can exercise that option and the plans will be allowed to charge patients extra for going outside the plan.

This is a very, very reasonable piece of legislation. It is a bipartisan piece of legislation. It does not require the cre-

ation of vast new bureaucracies that would have to monitor the entire industry. It will allow managed care to continue, but it places reasonable restrictions on managed care restrictions that I would like to point out will serve well to maintain quality.

Most of the provisions in my legislation are provisions that were voted on in this body previously and passed overwhelmingly by this body, by the Senate, and signed by the President. Specifically, these are all provisions that we already placed on the Medicare plan, and some of the provisions as well are already preexisting within Kennedy-Kassebaum legislation that was passed last year.

I think this bill will go a long way to deal with many of the problems and the frustrations that we see today in the health care marketplace. We all know that there are many excesses within the managed care plans that exist out there.

I was reminded recently, as a physician I still practice occasionally, and I spoke to a nurse not too long ago who was complaining to me that her mother, elderly mother who lived in another State, not in Florida, who was enrolled in a managed care plan, had fallen and broken her nose. She could not breathe through her nose when lying down, so she had to sleep sitting up. And the managed care entity was refusing to pay for fixing this problem, it is called a rhinoplasty, claiming that it was cosmetic surgery on an elderly lady. Clearly, this was totally inappropriate. Fortunately, the managed care entity relented and finally paid for the rhinoplasty.

Now this is a minor incident, and I can tell you that I have heard much, much worse cases. Indeed, there are cases out there where people have suffered severe harm as a consequence of denial of appropriate medical care within managed care entities, including cases where there have been deaths.

So in my opinion, legislation is long overdue, and this piece of legislation that I am putting forward is a reasonable proposal, it is a bipartisan proposal, and I would encourage all my colleagues to look at this legislation, and I encourage all my colleagues to sign on to it.

Mr. BOB SCHAFFER of Colorado. As my colleague knows, he mentioned at the outset of his comments that there are good HMOs and there are those that seem to be prone on occasion to various abuses and failure to comply with the contractual agreements that they have established for themselves and their clients.

With respect to the bill and this grievance process and complaint process, there are good examples out in the free market right now, there are good examples of HMOs that have a good grievance process. This bill moves us toward allowing those kinds of questions and concerns to be aired in a timely manner.

Mr. WELDON of Florida. The bill requires that all managed care entities

set up a grievance committee, and it should be, it can be made up of people, doctors that are in the plan, administrators that are in the plan, but it also calls for patients to be enrolled or patients in the grievance committee and, as well, people who are outside the plan.

And you know, I have an aunt and uncle up in New York who have been in a managed care plan all their adult life. They love it, they think it is wonderful. It is a well-run plan, the best that I can determine. So when you say there are good managed care plans, there are.

But I will tell you that some of the good managed care plans are being squeezed by the unscrupulous managed care plans who will frequently come into a community, low-ball prices, sign people up, put pressure on those good plans to reduce their prices or they will go out of business. And how do they do that? Well, how do those unscrupulous plans do that? Well, they deny services, is typically what they do. They deny access to specialists.

And might I also add, I am a primary care provider. I still see patients about once a month, and I used to refer. When I was practicing medicine, I used to refer probably, maybe 10 times a day I would refer somebody do a specialist. But I saw 30 to 40 people a day, and I prided myself in taking care of my patients and not referring them all out to specialists.

This piece of legislation is not to protect specialists, but when I needed to, I referred those patients to specialists for one and only one reason: because it was in the best interests of those patients, because they had a problem, they had a condition that I as a general internist could not handle.

What is wrong is when we provide financial incentives, which is what some of these plans are doing, to doctors to not refer because that compromises the doctor-patient relationship. The patient comes in to see the doctor; there should only be one thing on that doctor's mind: What is best for that patient? And if there is a financial incentive for him not to refer, then that is wrong, and we correct that in this legislation.

And might I also add, when I used to make those referrals, the best thing for those patients, and I was happy to do that even though in many cases, you know, in particular the cancer cases, I will say, I frequently did not see much of them anymore. They would go to the cancer specialist, they would get their chemotherapy, and in terms of, you know, income off of that, it was not for me. They were off to see a specialist. But you know, I was very comfortable with that. I felt nothing was more important than making sure that the patients got to see the specialist they needed to see.

□ 1945

It was part of the Hippocratic oath, as far as I was concerned, that I took

when I graduated from medical school. We have seen a corruption of those basic fundamental principles in the health care marketplace.

I think this legislation is something that you would want to support. I encourage you to look at it, and I would encourage you to sign on.

Mr. BOB SCHAFFER of Colorado. Well, purchasing these insurance products, being enrolled in an HMO is something that consumers need to spend a lot of time on, because you can make bad choices. The appeal of low premiums often comes at the expense of, as you mentioned, reduced service.

Just from a business perspective in managing a cash flow, if you are operating on fewer revenues and fewer dollars and doing so to maintain that competitive edge, frequently that comes at the expense, of from a consumer's perspective, of strategies of delay. They see nontreatment of various ailments that they thought might have been covered.

You really need to read those policies very, very closely. There is nothing wrong with buying a cheap policy if that is what you want, if you are willing to deal with the consequences of inadequate care.

I do not think your bill prohibits that, but it certainly says that the patients and customers ought to be fully knowledgeable about and fully apprised of what they are purchasing, the exact terms, the exact limitations that may occur, so that they know that the policy that they hold is exactly what they pay for.

Mr. WELDON of Florida. Well, in the legislation, we have a provision that requires that before they enroll, they have to be counseled regarding any limitations on access to specialists, any out-of-pocket expenses that are associated with going outside the plan. There is a whole list of requirements.

This is basically informed consent, as far as I am concerned. I was not a surgeon. I was a general internist, so I did not do a lot of procedures, but I did a few. I would take some skin lesions off, and I do do some other procedures. Whenever I would do anything like that, I would always say to somebody, like if they had a skin lesion on their face and I had to remove it, I would explain to them, you might have a scar. We call that informed consent. You inform them.

What my bill requires is basically that sort of thing when the health care plan enrolls the person in the HMO; that if you are going to be restricted, that you can only see certain primary care providers, they need to be counseled on that. If there are restrictions on specialists they can see, they need to be made aware of that.

A perfect example of how people are not aware of these sorts of things, in my community, I had an oral surgeon complain to me. This is a typical scenario that he has occur to him. Somebody comes to his office at 5 o'clock on a Friday afternoon, with a big infected

tooth that requires surgery and antibiotics. He gets them all ready to be admitted to the hospital. He gets them all ready to be admitted to the hospital. He gets them prepped and everything, and they discover the managed care plan that that person signed onto requires that they travel to another city 60 miles away to see another doctor who they have never seen before.

What my bill says, they can still do that. The managed care plan can do that. They just have to inform the enrollees. I call them patients, but in insurance language, you call them enrollees. Inform the enrollees that those are the prohibitions, the restrictions on them in this plan so that they know.

I think that will be better, actually, for the managed care plans. I think that they will get fewer complaints. I think they will have enrollees who are better understanding of the plan and hopefully better satisfied.

I think my bill is not only good for patients, it is good for the managed care industry as well. It is going to place good, reasonable restrictions. It is going to help the managed care industry to clean up its act.

Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. BOB SCHAFFER of Colorado. The gentleman from Florida's expertise as a physician is very valuable to all Members of Congress, and we seek that wisdom and guidance routinely. I appreciate your leadership here tonight.

We have got less than 10 minutes left, and I want to change subjects real quick, because another great leader of the Congress is with us tonight, also not a freshman, but an honorary one at the moment, and we will make him so. That is the gentleman from Michigan (Mr. SMITH), who has been providing a lot of leadership and guidance with respect to balancing our budget, one of our key themes and objectives that we are trying to achieve as a Republican Congress.

It is quite a difficult balance when we have a number of programs that we need to manage. We want to save Social Security, Medicare, and so on, and guarantee the strongest and safest, most secure retirement system in the world and, at the same time, balance our budget. I believe we can do both. But we have not achieved that just yet, in spite of the celebration and claims you might see over at the White House.

Mr. SMITH of Michigan. Mr. Speaker, if the gentleman would yield, first off, I want to tell everybody that might be watching this special order that we thank the gentleman from Colorado (Mr. BOB SCHAFFER) for providing this leadership. And anybody that does not know, the gentleman from Colorado, president of the freshman class, has really spearheaded this legislation through.

I am just starting my sixth year in Congress. And what is great about the new freshman class is they bring in

new energy and new ideas. So I commend the gentleman from Colorado on that.

In terms of balancing the budget, I think this country needs to start making decisions of how big do we want government to be, how much of the money that we earn do we want to pay out in taxes?

Of course, if you are an average American, you pay about 40 cents out of every dollar you earn in taxes at the local, State, and national level. Of course, taxes are especially appropriate at this time of year because most Americans, by the April 15 date, are going to be required to shell out of their pockets and pay money into the Federal Government in taxes.

So I would just urge everybody as they look at their taxes, make sure that you look at your W-2 form. How much has already been deducted from your paycheck to send to the Federal Government, and how much has been deducted from your paycheck in the so-called FICA taxes, the amount that is deducted for Social Security and Medicare, because it is getting larger and larger.

We have had a system of government where so often, the Members elected to the Congress, and even the President of the United States, they say, look, we are going to do more things for more people, and they do not say we are going to tax you more, or we are going to borrow you more so you have to pay more in interest. But it has become sort of a system where, if you come with more spending and more programs and more pork barrel projects, then you take these home to your districts and get on the front page of the paper, cutting the ribbon, or on television.

So in the past, it has increased the propensity that you are going to get reelected if you do more things and spend more money and tax the Americans more. I think the Americans are starting to wise up to these pork barrel projects.

I would just encourage everybody, as we go through the election process for this fall's election, that everybody start going to those debate meetings. Everybody start asking those Members that are running for Congress, look, when are you going to stop taxing us so much? Let us start keeping some of that money so that we can spend it the way we want to, or we can start saving it and investing it to help secure our retirement future.

Mr. BOB SCHAFFER of Colorado. There really is a need for nationwide study or review or recollection of the concept of federalism in the United States, because I think every single day, we in the Congress, and this is what we fight for as a Republican Party, fight for forcing this institution to come to grips with what is the appropriate role of the Federal Government.

There are many functions of government that are appropriate, that are public endeavors that need to be under-

taken at one level or another, but that is the key phrase right there.

Mr. SMITH of Michigan. Yes.

Mr. BOB SCHAFFER of Colorado. One level or another.

Mr. SMITH of Michigan. Should all good causes be implemented into Federal law? And I think what I hear you saying is no.

Mr. BOB SCHAFFER of Colorado. I frequently look to the U.S. Department of Education, for example. Now, all of us in this Congress would agree, the most conservative and most liberal Members alike, that a strong public education system is absolutely essential, and it is central to maintaining the Republic.

The second question, though, that begins to divide us is at what level do we best deliver a public education system. Is it Federal, State, or local? The first place we ought to look is the United States Constitution.

I would defy anyone in this Congress to find where it is in this Constitution that the Federal Government has been empowered to manage local school districts. It is not there. We have never been empowered here yet.

Just as you said a moment ago, there are Members of Congress who, at election time, cannot resist the opportunity to get on the front page of the local newspaper or cut the ribbon at some institution and spend other people's money on a function of government that is important but probably is better situated at the State level, as the Constitution suggests.

Mr. SMITH of Michigan. So often what happens is, though we are not authorized under the Constitution to pass laws, what we do is a combination of bribery and blackmail in trying to impose the will of the Federal government on local jurisdictions.

So we say, look, if you do it the way we in Washington think you should do it, if you do it the Washington bureaucratic way, then you can have some of the money back that you paid us in the first place in taxes.

In the transportation bills in the past, we said, look, you cannot have the transportation dollars that you sent us in the first place unless you do such things as lower your speed limit. You cannot have the education money the President is suggesting unless you use it to build a building or unless you use it to do this or unless you use it for the things that we say. The propensity of Washington is that they are elitist. They think they can make the decisions better than the people at the State and local level.

I think it is important that we start looking at reducing the tax burdens so the American workers can start experiencing the creation of wealth. If we would tax a little bit less, then they would have the opportunity to start saving and investing and see the magic of compound interest where, at some of the interest rate, some of the returns that we have experienced, for example, has been very astonishing. We need to

give that opportunity for the creation of wealth to more people.

Mr. BOB SCHAFFER of Colorado. Well said. Our Republican vision here as the majority party in Congress is to lower the effective tax rate on the American people from over 40 percent, where it is today, 40 percent of income down to 25 percent at a maximum. It could possibly even go lower than that. But I think as a general goal that we ought to shoot for, this is the target that we have set for ourselves.

It is not going to happen overnight, certainly. But as far as establishing a direction and a goal for the American people, it is this side of the aisle, the Republican Party, led in many respects by our freshman class and with the leadership and encouragement of you and other Members of Congress to get us toward a 25 percent overall effective tax rate. That is at Federal, State, and local levels of government. The cost of being a free citizen in America should not be more than one-quarter of your annual family income.

Mr. SMITH of Michigan. That has got to be an ultimate goal. The other goal that the gentleman from Colorado and I both agree with is we have got to start paying down the Federal debt. Right now, the interest on that \$5½ trillion that the Federal Government has borrowed represents 15 percent of the total Federal budget. So we are going to use a lot of this extra money that it looks like it is coming in in surplus and, to be sure, it is not a real surplus, because we are borrowing from the Social Security trust fund.

I thank the gentleman from Colorado very much for participating in this hour.

Mr. BOB SCHAFFER of Colorado. These are great topics that we will pick up at another time. Our hour is about to expire.

Mr. Speaker, the freshman class will be back in 1 week.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I am here tonight to talk about the issue of campaign finance reform. This is a topic that has been a subject of particular importance to the freshman class, and I want to explain why.

We are going to start with the simple fact that the 1996 election was different from other elections in the past. One of the major differences was the amount of soft money that flowed to the national parties that eventually found its way into ads that were run for and against candidates around the country.

□ 2000

Now, soft money is the unlimited money that comes from corporations, from unions, and from very wealthy individuals, to the national parties. This